

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**TERESA HUGHEY**

*Plaintiffs*

v.

**ALDI, INC.**

*Defendants*

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**CIVIL ACTION NO. CIV-22-743-JD**

**JURY REQUESTED**

**DEFENDANT ALDI, INC.’S NOTICE OF REMOVAL OF CIVIL ACTION**

COMES NOW Defendant ALDI, INC. (“ALDI”), and files this Notice of Removal, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446.

1. Teresa Hughey (“Plaintiff”) filed her Original Petition on June 10, 2022, in the Oklahoma County District Court which is within the United States District Court for the Western District of Oklahoma. The case is styled: Cause No.: CJ-2021-2711; *Teresa Hughey v. ALDI, Inc.*; in the District Court of Oklahoma County, Oklahoma. Under 28 U.S.C. § 1446(a), removal to this District is proper.

2. Defendant was never served; however, Defendant filed an Answer July 25, 2022, and this removal is made within thirty (30) days of service. 28 U.S.C. § 1446(b)(1).

3. Plaintiff alleges that on or about June 25, 2019, she was a “business invitee that slipped and fell on the property.” (Ex. A, Orig. Pet., at ¶ 1). She alleges she “has incurred and will incur medical bills, suffered and will suffer pain and permanent disability.” (Ex. A, Orig. Pet., at ¶ 2). She now brings a premises liability claim against ALDI and has not plead to recover damages for (a) past and future medical expenses; (b) past and future pain, or (c)

permanent disability. (Ex. A, Orig. Pet.).

4. ALDI does not have its principal place of business in Oklahoma. As such, there is complete diversity existing between the parties.

5. Plaintiff plead that she is seeking to recover monetary relief over \$75,000. *Id.*, at ¶ 3.

6. This lawsuit is one which may be removed to this Court by ALDI pursuant to 28 U.S.C. §§ 1441 and 1446, and over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332. Complete diversity of citizenship exists between the Plaintiff and all defendants herein, and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

7. Removal is not barred by 28 U.S.C. § 1445.

8. Pursuant to 28 U.S.C. § 1447(b), ALDI has attached copies of the following documents from the State Court action:

- Ex. 1, Original Petition (filed 6/23/2021);
- Ex. 2, Plaintiff's Application to Serve Defendant Out of Time (filed 6/10/2022);
- Ex. 3, Summons (filed 06/10/2022);
- Ex. 4, Order Granting Plaintiff's Application to Serve Defendant Out of Time (filed 06/17/2022);
- Ex. 5, Defendant Aldi, Inc's Answer to Plaintiff's Motion (filed 07/25/2022)

- Ex. 6, Motion to Enter on Non-Jury Docket (filed 08/18/2022)
- Ex. 7, Court Docket

9. All pleadings, process, orders, and other filings in the state court action are attached to this notice as required by 28 U.S.C. §1446(a).

10. Venue is proper in the Western District of Oklahoma under 28 U.S.C. §1441(a) because the Oklahoma County state court where the action has been pending is located within this District.

11. ALDI is the sole defendant, so consent pursuant to 28 U.S.C. § 1446(b)(2)(A) is not necessary.

12. Defendant will promptly file a copy of this Notice of Removal with the Clerk of the Oklahoma County state court where the action has been pending.

13. On or about the date of this filing, Defendant served upon counsel for the Plaintiff a copy of the Defendant's Notice of Removal of Civil Action.

#### **REQUEST FOR HEARING AND JURISDICTIONAL DISCOVERY**

14. If Plaintiff contests this removal, Defendant requests:

- (a) a hearing regarding this Court's jurisdiction over, and the propriety of removal of this matter; and
- (b) leave to conduct limited discovery related to issues surrounding the existence of diversity jurisdiction.

WHEREFORE, Defendant ALDI, INC., by counsel, requests that this Court remove the action from the Oklahoma County District Court to The United States District Court for the Western District of Oklahoma.

Respectfully submitted,

/s/ Nicole Biscoe

Allison Nicole Biscoe

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**ATTORNEYS FOR DEFENDANT  
ALDI, INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system on the 24<sup>th</sup> day of August 2022. A true and correct copy of the foregoing Notice of Removal was served upon counsel of record in compliance with the Federal Rules of Civil Procedure by e-service, e-mail, certified mail, return receipt requested, telephonic communications, hand delivery and/or U.S. Mail on this the 24<sup>th</sup> day of August 2022.

/s/ Nicole Biscoe

Allison Nicole Biscoe

Clinton V. Cox